

REMARKS

In an Office Action mailed on May 8, 2003, claims 1-6 and 14-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Acocella. These rejections are discussed below.

Claim 1 recites a passivation layer that includes windows through which contacts extend to make electrical connections with another layer. Claim 1 also recites that the windows are selectively sized to impart a higher current carrying capability to at least one of the contacts than to the remaining contact or contacts. Claim 14 recites selectively sizing windows of a passivation layer to impart a higher current capability to at least one external contact than to remaining one or more external contacts.

The Examiner fails to establish a *prima facie* case of obviousness for either independent claim 1 or independent claim 14 for at least the reason that the Examiner fails to show where the prior art allegedly teaches or suggests all claim limitations. *See*, M.P.E.P. § 2143; *In re Royka*, 180 USPQ 580 (CCPA 1974). More specifically, the Examiner acknowledges that Acocella fails to disclose selectively sized windows in a passivation layer. Office Action, 3 and 4. However, the Examiner fails to show where the prior art allegedly teaches or suggests these selectively sized windows. Without such a showing, the Examiner fails to establish a *prima facie* case of obviousness for independent claims 1 and 14.

"Obviousness cannot be predicated on what is unknown." *In re Spormann*, USPQ 449, 452 (CCPA 1966). In this manner, the Examiner must show, with specific citations to a prior art reference, where the prior art allegedly teaches or suggests the missing claim limitations. *Ex parte Gambogi*, 62 USPQ2d 1209, 1212 (Bd. Pat. App. & Int. 2001); *In re Rijckaert*, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993); M.P.E.P. § 2143.

Because the Examiner merely concludes a case of obviousness without showing where the prior art teaches or suggests selectively sized windows of a passivation layer, the Examiner has failed to establish a *prima facie* case of obviousness for independent claims 1 and 14.

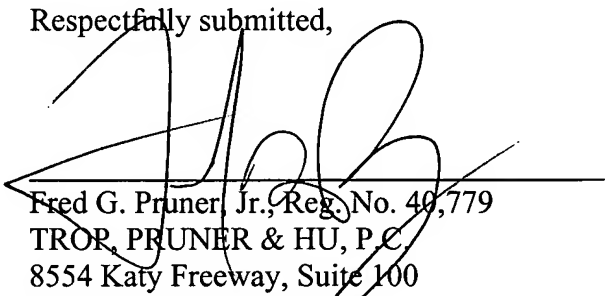
Claims 2-6 and 15-17 are patentable for at least the reason that these claims depend from an allowable claim.

CONCLUSION

In view of the foregoing, withdrawal of the § 103 rejections and a favorable action in the form of a Notice of Allowance are requested. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 20-1504 (ITL.0655).

Respectfully submitted,

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